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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/627,900
Filing Date	March 10, 2004
First Named Inventor	Shelly, Mark A.
Art Unit	3644
Examiner Name	Eldred, John W.
Attorney Docket Number	BING-1-1019

### ENCLOSURES (Check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition to Revive<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return Receipt Postcard;<br>Check No.12966 for \$1500 |
|---|---|---|

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Black Lowe & Graham, PLLC		
Signature			
Printed name	Dale C. Barr		
Date	January 11, 2005	Reg. No.	40,498

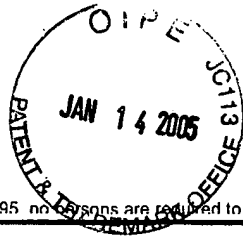
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Wendy Saxby	Date	1/11/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1500.00

**Complete if Known**

Application Number	10/627,900
Filing Date	March 10, 2004
First Named Inventor	Shelly, Mark A.
Examiner Name	Eldred, John W.
Art Unit	3644
Attorney Docket No.	BING-1-1019

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 501050 Deposit Account Name: Black Lowe & Graham, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____	x _____	= _____	

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

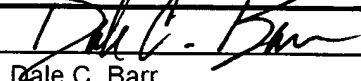
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition to Revoke

Fees Paid (\$)

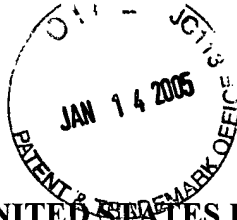
1500.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	40,498	Telephone	206.381.3300
Name (Print/Type)	Dale C. Barr	Date	January 11, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



MAIL STOP: PETITION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Shelly, Mark A.

Attorney Docket No. BING-1-1019

Serial No.: 10/627,900

Group Art Unit: 3644

Filing Date: July 25, 2003

Examiner: Eldred, John W.

Title: METHODS AND APPARATUS FOR PASSIVE ILLUMINATION OF  
REFUELING HOSES

**PETITION TO REVIVE DUE TO UNINTENTIONAL ABANDONMENT**  
**UNDER 37 C.F.R. § 1.137(b)**

Sir:

Please revive the above-identified application, which was unintentionally abandoned. Enclosed is our check in the amount of \$1,500. In support of this Petition, please consider the facts set forth in the following declaration.

**DECLARATION OF DALE BARR IN SUPPORT OF PETITION TO REVIVE DUE TO**  
**UNINTENTIONAL ABANDONMENT**

1. I am the attorney of record in the above-captioned matter and competent to testify to the facts stated herein.
2. A response to the Office Action mailed on December 17, 2003 was timely filed by the undersigned on March 10, 2004.
3. In late 2003, the address of this correspondent's law firm changed to 701 Fifth Avenue, Suite 4800, Seattle Washington, 98104. Although the new address of this law firm was indicated in the Response to Office Action filed on March 10, 2004, it was apparently not noted by the U.S. Patent and Trademark Office.
4. On April 13, 2004, a Change of Correspondence Address form was filed with the U.S. Patent and Trademark Office in this case noting the correct address of this law firm.
5. On November 3, 2004, I received a Notice of Abandonment from the U.S. Patent and Trademark Office indicating that "A Notice of Informal or Non-responsive Amendment was mailed to Applicant on 3-26-04." We never received this Notice of Informal or Non-responsive Amendment.

6. Between November 3, 2004 and the present date, my legal assistants (Wendy Saxby and Tricia Walker) and I have called and left numerous messages requesting that the subject Notice of Informal or Non-responsive Amendment be transmitted to me so that we can determine what is deemed to be deficient with the Response and proposed amendment filed on March 10, 2004.

7. On or about December 1, 2004, I spoke with Examiner Eldred by telephone regarding the subject Notice of Informal or Non-responsive Amendment, and he advised me that it was missing from the file of the U.S. Patent and Trademark Office, and that he would look for it and transmit it to us when it was located. My legal assistants have made approximately eight (8) telephone calls since that time to leave messages for the Examiner requesting that the subject Notice be transmitted to us so that we could properly petition to revive this application.

8. As of this date, we have still not received the Notice of Informal or Non-responsive Amendment that was allegedly transmitted to us on March 26, 2004.

9. Therefore, the undersigned respectfully requests that the subject application be revived, and that the Response to Office Action which was filed on March 10, 2004 be accepted by the U.S. Patent and Trademark Office.

10. Pursuant to 37 C.F.R. § 1.137(b), (1) the required reply was previously filed on March 10, 2004, (2) the required petition fee is included herewith, (3) the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) no terminal disclaimer is required.

I certify and declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

Dated this 11<sup>th</sup> day of January, 2004 at Seattle, Washington.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Dale C. Barr

Registration No. 40,498

Direct Dial: 206.381.3300

**MAIL CERTIFICATE**

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: **MAIL STOP PETITION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 11, 2004  
Date of Deposit

Wendy Saxby  
Wendy Saxby